

# MINUTES

## County Council Meeting

**November 26, 2012**

Spartanburg County Council met on Monday, November 26, 2012, in the County Council Chambers, 366 N. Church Street, Spartanburg, SC, at 5:30 p.m. The following attended: Honorable Jeff Horton, Chairman; Honorables Michael Brown, O'Neal Mintz, David Britt, Jane Hall, Dale Culbreth, and Roger Nutt, Council Members; along with Katherine Hubbard, County Administrator; Jim Hipp, Deputy County Administrator; Lisa Claxton, County Attorney; John Harris, Senior Deputy County Attorney; and Ginny Dupont, Deputy County Attorney.

In compliance with the Freedom of Information Act, notice of this meeting was provided in advance to the local news media and other interested parties.

### I.

Chairman Horton called the meeting to order.

Invocation was rendered by Chaplain Jerry Clevenger. Mr. Tom Davies led in reciting the Pledge of Allegiance.

### II.

- A. Cibby Krell appeared in opposition to term limits.
- B. Kathy McCarter, Regional Commissioner, AYSO Region 722, appeared to request funds for additional soccer fields at Va-du-mar McMillan Park.
- C. Angela Viney, Executive Director, Upstate Forever, appeared in favor of term limits ordinance.
- D. Susan Ridings appeared in opposition to the Clean Air Resolution.
- E. Doug Cobb appeared to read a statement from Representative Bill Chumley. Representative Chumley could not attend the meeting. Representative Chumley's letter expressed his opposition to the Clean Air Resolution.
- F. Evan Mulch appeared in opposition to the Clean Air Resolution
- G. Peggie Melton, Moore, appeared in opposition of putting guard rails in Twin Lakes Subdivision.

- H. Clay Andrews, Upstate SC Alliance, appeared to introduce himself to Council. Mr. Andrews is the new Director of Investor and Public Relations for the Upstate SC Alliance.

III.

- A. Ms. Hall read a Resolution designating the month of November 2012 as Pulmonary Hypertension Awareness Month. Motion made by Mr. Britt to adopt Resolution. Motion seconded by Mr. Brown and carried. Ms. Penney Cline was unable to attend the meeting to receive Resolution.
- B. Motion made by Mr. Culbreth to adopt a Resolution recognizing and expressing appreciation to Gail Moffitt for forty-five years of conscientious and dedicated service to Spartanburg County. Motion seconded by Mr. Brown and carried.
- C. Special Recognition was carried over to next meeting.
- D. Chairman Horton recognized the Graduates of Spartanburg County Citizens' Academy. The Citizens' Academy Graduates for the Fall 2012 Session were Melody A. Allen, Wayne Bobo, Jesse C. Cannon, Carol Corson, Nettie Davis, James R. Greer, Henry Ricardo Griffin, Martin L. Hebron, Sr., Harvey Hendley, Marsha Jackson, Wallace Jones, Stephan Keenon, Nancy Lewis, Ramona Ludvik, Robert Ludvik, Alice Pearson, Vondalyn Reddick, and Sandra B. Watson.

IV.

Ms. Hubbard recognized Shane Kent, Youth Recreation Staff Member, for helping to save a child from choking. Michael Sapp, an eight year Veteran of the Spartanburg Parks Department, was recognized for recently taking the lead in organizing the Men's Class C Southern National Championship. As a result of his outstanding work, the Parks Department has been recognized with the James Farrell Award for excellence by the Amateur Softball Association. This award is given for excellence in conducting ASA National Championships. David Butler, Regional V.P. of the National Softball Association (NSA), stated they were very pleased with the outcome of the NSA Tournament at Tyger River Park. NSA held their National Convention about a month ago. At the Convention, NSA awarded the NSA Outstanding Park Award to Spartanburg Parks and Recreation. This is a great honor in the sports world.

V.

- A. Chairman Horton declared open a public hearing to consider an Ordinance to convey approximately 965.4 +/- square feet of land adjoining

parcel number S 2-28-00-045.01 and 045.52 along SC Highway 9 that adjoins 104 and 103 Bermuda Lane, Inman, SC to Windemere Subdivision Homeowners Association, Incorporated. No one appeared, and the matter was closed.

- B. Chairman Horton declared open a public hearing to consider an Application for Special Public Event Exclusion from the Noise Ordinance requested by **Amy Hinson** from 1200 p.m. on Saturday, December 8 until 2:00 a.m. on Sunday, December 9, 2012 for a birthday party at 331 Ferndale Drive, Boiling Springs. No one appeared, and the matter was closed.

VI.

**Economic Recruitment and Development Committee** – (Honorable David Britt, Chairman)

- A. Motion made by Mr. Britt to adopt an Inducement Resolution with respect to **Contec, Inc.** Motion seconded by Mr. Nutt and carried.
- B. Motion made by Mr. Britt to render first reading to an Ordinance authorizing the execution and delivery of a fee agreement by and between Spartanburg County, South Carolina and **Contec, inc.**, with respect to certain economic development property, whereby such property will be subject to certain payments in lieu of taxes; and other matters related thereto. Motion seconded by Mr. Brown and carried.
- C. Motion made by Mr. Britt to adopt a Resolution consenting to an amendment to the fee in lieu of tax agreement between Spartanburg County, South Carolina and **AFL Telecommunications, LLC** dated December 1, 2008 to add additional property, extend the project period, and extend the term thereof, and other matters related thereto. Motion seconded by Mr. Nutt and carried.
- D. Motion made by Mr. Britt to render first reading to an Ordinance to amend Ordinance No. O-99-014, as previously amended by Ordinances No. O-00-016, O-01-18, No. O-03-03, No. O-03-13, and No. O-08-29 relating to the joint county industrial and business park (Park No. 2) of Cherokee and Spartanburg Counties so as to enlarge the park. (**AFL Telecommunications, LLC**) Motion seconded by Mr. Brown and carried.
- E. Motion made by Mr. Britt to render first reading to an Ordinance amending Ordinance No. O-07-04 to provide for certain amendments to the \$1,000,000 principal amount Spartanburg County, South Carolina Special Source Revenue Bond (**Liberty Property Limited Partnership Project**) Series 2007. Motion seconded by Mr. Brown and carried.

**Public Health and Human Services Committee** (Honorable Jane Hall, Chairman)

- A. Ms. Tracey L. Jackson, MPA, Executive Director of Piedmont Care, presented the *HIV and AIDS: A Spartanburg County Perspective*. Report is included in backup. This report can be identified and seen on the Spartanburg County website at [www.spartanburgcounty.org](http://www.spartanburgcounty.org). Ms. Hall encouraged everyone to look at this report and see the progress we have made in Spartanburg County and throughout the state.

**Personnel and Finance Committee** (Honorable Dale Culbreth, Chairman)

- A. Motion made by Mr. Culbreth to approve the ResCare Workforce Services, Union Center Facility Fee Agreement and to authorize the County Administrator to sign agreement. Motion made by Mr. Nutt and carried.
- B. Motion made by Mr. Culbreth to approve reclassification of entry level employees in the Delinquent Tax Office and the Treasurer's Office. Motion made by Ms. Hall to approve reclassification. Motion seconded by Ms. Hall and carried.
- C. Motion made by Mr. Culbreth to approve a position reclassification request from the Public Defender's Office. Motion seconded by Mr. Brown and carried.
- D. Item in reference to a position title and job description change in the Soil and Water Conservation District Office was postponed.
- E. Motion made by Mr. Culbreth to adopt a Resolution to declare the results of a referendum conducted for the Mayo Area Fire District held in Spartanburg County, South Carolina on November 6, 2012. Motion seconded by Ms. Hall and carried.
- F. Motion made by Mr. Culbreth to render first reading to an Ordinance to amend Ordinance No. O-12-18 which established the Capital Project Budgets for the FY 2012/13 Budget Year of the Five-Year Capital Improvement Plan by altering appropriation levels for Hospitality Tax Fund Transfer and Parks Fund Transfer and to alter and create capital projects and their related expenditures to implement desired components of the Parks Enhancement Plan. Motion seconded by Ms. Hall and carried.
- G. Motion made by Mr. Culbreth to render first reading to an Ordinance to amend ordinance O-12-17 which related to the fiscal affairs of Spartanburg County making appropriations therefore, levying taxes for the fiscal year beginning July 1, 2012 and ending June 30, 2013 and to provide for the budget control of said appropriation by the Spartanburg County Council by amending revenue and expenditure appropriations for the Spartanburg Parks Fund and the Hospitality Tax Fund to implement recommendations of the Parks Enhancement Plan. Motion seconded by Ms. Hall and carried.
- H. Updated financial data and personnel vacancy reports were received.

**Livability Committee** – (Honorable Roger Nutt, Chairman)

- A. Bob Brookover, PhD, Clemson University International Institute for Tourism Research and Development, presented information in reference to an Estimate of Economic Impact of Expenditures by Visitors to Tournaments held at Tyger River Park in 2012. Report and presentation are included in backup. Mr. Nutt asked Staff to put this report on the website. This is great news for Spartanburg County.
- B. Updated information received regarding activities of the Parks and Recreation Department.

**Public Safety and Judiciary Committee** – (Honorable Michael Brown, Chairman)

- A. Motion made by Mr. Brown to render first reading to an Ordinance amending Ordinance O-00-002 Article V Division 12 of the Spartanburg County Code relating to the Fire Chiefs' Advisory Board Meetings and Attendance for Eligibility. Motion seconded by Mr. Britt and carried.
- B. Updated information received regarding activities of Building Codes Department.

**Land Use Committee** (Honorable Jeff Horton, Chairman)

- A. Motion made by Mr. Horton to adopt the Upstate Air Quality Resolution. Motion seconded by Mr. Mintz. Mr. Britt stated that he appreciated the people that came out to speak on the Upstate Air Quality Resolution. Mr. Britt corrected Ms. Ridings, who spoke during the Public Comment Period against this Resolution, to let her know that Council does not have to pass this to continue our funding. EPA does not fund this Clean Air and does not give the County money. The Federal Government passed a Clean Air Act that we have to follow. They have monitoring stations. If we do not meet the requirements they have set, they do not allow businesses to expand, because of your County not meeting the air quality thresholds. If businesses cannot expand, they go elsewhere. Ms. Hall added that when we are talking about economic development. We have BMW here. Birmingham, Alabama, was trying to get another major automotive manufacturer there, and they could not come because the air quality was so bad. So this is a real situation. It will affect each and everyone and the number of jobs in Spartanburg County. Mr. Mintz pointed out this is a Resolution and not an Ordinance and stated that he agrees with Mr. Britt and Ms. Hall. Mr. Mintz, Mr. Culbreth, and Ms. Hall serve on the Appalachian Council of Governments Board, and they have had experts come in and talk to them. Mr. Mintz, Mr. Horton, and Mr. Culbreth serve on the Spartanburg Area Transportation Study Board, and they have had the experts there come in and talk with them. Motion carried. Mr. Nutt opposed.

- B. Updated Planning Department Reports on Development Activity were received.

**Public Works, Buildings and Grounds Committee** (Honorable O'Neal Mintz, Chairman)

- A. Updated information received regarding activities of the Public Works Department.

VII.

- A. Motion made by Ms. Hall to amend the Ordinance amending Section 2-121 of the Code of the County of Spartanburg, South Carolina to provide term limits for County Council appointed boards and commissions to provide for any member appointed to any board, committee, or commission to serve no more than two consecutive terms unless appointed to a third consecutive term upon unanimous vote of Council. Further, no member shall serve more than three consecutive terms. Motion seconded by Mr. Mintz. Mr. Brown stated some boards and committees automatically have service expiration provisions and requested there be a holdover provision for those in question who are concerned about committees that may not have the ability to have full membership. Mr. Brown requested this for consideration as well. Chairman Horton stated this provision is there. Motion carried to pass the amendment. Motion made by Mr. Mintz to render third reading to Ordinance as amended. Motion seconded by Ms. Hall and carried. Mr. Nutt and Mr. Britt opposed.
- B. Motion made by Mr. Britt to render third reading to an Ordinance authorizing pursuant to Title 4, Chapter 1, Section 170; Title 4, Chapter 1, Section 175; and Title 4, Chapter 29, Sections 67 and 68 of the Code of Laws of South Carolina, 1976, as amended, the execution and delivery of an infrastructure credit agreement and amendment to a lease agreement between Spartanburg County, South Carolina, **BMW Manufacturing Co., LLC and SB Acquisitions, Inc.**; an extension of the fee term under the 1994 FILOT Lease Agreement between such companies and the County; and matters relating thereto. Motion seconded by Mr. Culbreth and carried.
- C. Motion made by Mr. Britt to render third reading to an Ordinance providing for amendment of Ordinance No. O-09-09, pertaining to distribution of fee in lieu of tax revenues generated from certain joint county industrial and business parks, to add certain additional park agreements thereto. Motion seconded by Mr. Brown and carried.
- D. Motion made by Mr. Brown to render third reading to an Ordinance to amend the agreement for development for joint county industrial park by and between Spartanburg County and Cherokee County, South Carolina, so as to include additional property in Spartanburg County as part of the joint

county industrial park, and other matters relating thereto. **(Greer 290 Properties)** Motion seconded by Mr. Britt and carried.

- E. Motion made by Mr. Mintz to render second reading to an Ordinance to convey approximately 965.4 +/- square feet of land adjoining parcel number S 2-28-00-045.01 and 045.52 along SC Highway 9 that adjoins 104 and 103 Bermuda Lane, Inman, SC to Windemere Subdivision Homeowners Association, Incorporated. Motion seconded by Mr. Culbreth and carried.

XIII.

- A. Motion made by Mr. Britt to adopt a Resolution authorizing the County Council of Spartanburg County to publish a notice of public hearing to transferring the authority for conducting municipal elections in the **Town of Pacolet** to the Spartanburg Election Commission. Motion seconded by Ms. Hall and carried.
- B. Motion made by Ms. Hall to render first reading to an Ordinance authorizing the acceptance of the transfer of authority for conducting Municipal Elections in the **Town of Pacolet** to the Spartanburg County Election Commission; to define the powers, duties and responsibilities assumed by the Spartanburg County Election Commission for the conduct of Municipal Elections in the Town of Pacolet to provide for reimbursement of all costs and expenses incurred by the Spartanburg County Election Commission in the conduct of such municipal elections; and to provide for other matters relating thereto. Motion seconded by Mr. Britt and carried.
- C. Motion made by Mr. Culbreth to adopt a Resolution authorizing the County Council of Spartanburg County to publish a notice of public hearing to transferring the authority for conducting municipal elections in the **Town of Lyman** to the Spartanburg Election Commission. Motion seconded by Mr. Britt and carried.
- D. Motion made by Ms. Hall to render first reading to an Ordinance authorizing the acceptance of the transfer of authority for conducting Municipal Elections in the **Town of Lyman** to the Spartanburg County Election Commission; to define the powers, duties and responsibilities assumed by the Spartanburg County Election Commission for the conduct of Municipal Elections in the Town of Lyman to provide for reimbursement of all costs and expenses incurred by the Spartanburg County Election Commission in the conduct of such municipal elections; and to provide for other matters relating thereto. Motion seconded by Mr. Brown and carried.
- E. Motion made by Ms. Hall to adopt a Resolution authorizing the County Council of Spartanburg County to publish a notice of public hearing to transferring the authority for conducting municipal elections in the **City of Woodruff** to the Spartanburg Election Commission. Motion seconded by Mr. Culbreth and carried.
- F. Motion made by Ms. Hall to render first reading to an Ordinance authorizing the acceptance of the transfer of authority for conducting Municipal Elections



in the **City of Woodruff** to the Spartanburg County Election Commission; to define the powers, duties and responsibilities assumed by the Spartanburg County Election Commission for the conduct of Municipal Elections in the City of Woodruff to provide for reimbursement of all costs and expenses incurred by the Spartanburg County Election Commission in the conduct of such municipal elections; and to provide for other matters relating thereto. Motion seconded by Mr. Britt and carried.

- G. Motion made by Mr. Mintz to approve an Application for Special Public Event Exclusion from the Noise Ordinance requested by **Amy Hinson** from 1200 p.m. on Saturday, December 8 until 2:00 a.m. on Sunday, December 9, 2012 for a birthday party at 331 Ferndale Drive, Boiling Springs.

IX.

All resolutions, ordinances, agreements, petitions and related documents which were read and approved by Council at this meeting for the financing of certain industrial or similar revenue bonds or notes, are incorporated in these minutes by reference as if fully set forth herein. The reference is to all such documents showing execution by the county on the date of this meeting included in the office of the Clerk of Court for Spartanburg County.

X.

- A. Ms. Hubbard presented information in reference to proposed Budget Amendment Resolutions. Two Budget Amendments included in backup were not addressed. Under Storm Water Management Fund, the Budget Amendment Resolution for the Soil & Water position title change was carried over in the Personnel and Finance Committee meeting. Under the Public Defender 7<sup>th</sup> Circuit Fund, the Cherokee County position reclassification was delayed until Administration has the opportunity to work with our Public Defender on the actual Budget Amendment transfer that will be needed for the request that was approved tonight. Budget Amendment Resolution 13077 reclassifies nine Senior Account Clerk positions (Grade 43) in the Treasurer's Office to Accounting Technician (Grade 45). A reduction in temporary help will be used to cover this for this year and Treasurer Lindsey Brady has offered a solution for next year's impact as well. Budget Amendment Resolution 13078 reclassifies six Senior Account Clerk positions (Grade 43) in the Tax Collector's Office to Accounting Technicians (Grade 45). Budget Amendment Resolution 13079 transfers money saved in the salary and fringe line items to the temporary help line item of the Probate Court Office. Budget Amendment Resolution 13080 reduces budgeted revenues from Clerk of Court Fees and recognizes additional revenue from County Stamps. Budget Amendment Resolution 13081 recognizes revenue to be received through a contract with SC DHEC to be used by the Coroner



to purchase equipment for the Coroner's Office. Budget Amendment Resolution 13082 moves funds within the FY13 EMS budget to make the purchase of the property adjacent to the present EMS Headquarters for \$85,000. Budget Amendment Resolution 13083 recognizes additional revenue to be received during FY13, above budgeted reimbursement, and establishes a corresponding expenditure line item to provide for payment of telephone service at DSS-Beaumont. Budget Amendment Resolution 13084 recognizes the refund of premiums for workers compensation and establishes a corresponding expenditure amount in the workers compensation reserve account. Budget Amendment Resolution 13086 sets up revenue received in the Forfeited Gambling Fund through October 31, 2012. Budget Amendment Resolution 13087 sets up revenue received in the Drug Enforcement Fund through October 31, 2012. Budget Amendment Resolution 13088 allows for the closing of completed C-Funds projects; 12003-Foster Road Culvert Replacement, 12019-Fairfield Road Resurfacing. Budget Amendment Resolution 13089 sets up new C-Funds projects as approved at the October 18, 2012 quarterly CTC (County Transportation Committee) meeting. Budget Amendment Resolution 13090 sets up revenue received in the Sheriff Federal Sharing Fund through October 31, 2012. Budget Amendment Resolution 13092 is for payments received from homeownership customers who received down payment and closing cost assistance. Budget Amendment Resolution 13093 is for payments for homeownership customers who qualify for down payment and closing cost assistance. Budget Amendment Resolution 13094 is for recaptured funds from Housing Owner-Occupied Rehabilitation Program that will be used for eligible housing CDBG (Community Development Block Grant) activities. Budget Amendment Resolution 13095 will set up the CL9036 South Carolina Department of Commerce grant for the Timken Building Upfit. Budget Amendment Resolution 13096 will set up the CL8022 South Carolina Department of Commerce grant for the BMW Scholars Program. Budget Amendment Resolution 13097 is for repairs to the SC Works Union From Building. Union County has allowed SC Works Union to be housed there for several years rent free. Budget Amendment Resolution 13098 is for four Rapid Response Funds (pass through grants) the SC Department of Employment and Workforce awarded for ResCare Workforce Services to assist four specific companies in training already specified by the State. Budget Amendment 13047 takes care of all the carryover projects with specific amounts and tells exactly what is being carried forward.

Motion made by Mr. Britt to adopt the Budget Amendment Resolutions.  
Motion seconded by Mr. Mintz and carried.

Motion made by Mr. Nutt to waive rules, nominate and appoint Jim Greer, School District Six Appointment, to the Board of Assessment Appeals.  
Motion seconded by Mr. Mintz and carried.

XII.

Motion made by Mr. Culbreth to approve minutes of October 15, 2012 (Regular Meeting). Motion seconded by Mr. Nutt and carried.

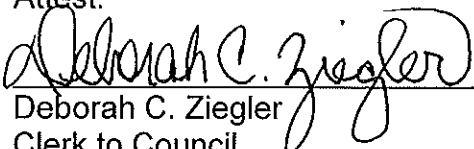
XIII.

Meeting adjourned.

SPARTANBURG COUNTY COUNCIL

By:   
Jeffrey A. Horton, Chairman

Attest:

  
Deborah C. Ziegler  
Clerk to Council